



## Capital Community Television

585 Liberty Street SE • P.O. Box 2342 • Salem, Oregon 97308-2342  
Phone: 503-588-2288 • Fax: 503-588-6424 • [cctv@cctvsalem.org](mailto:cctv@cctvsalem.org)

March 2, 2009

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

Re: Petitions for Declaratory Ruling Regarding Public,  
Educational and Governmental Access Channels, MB  
Docket No. 09-13, CSR-8126 (ACM *et al.*), CRS-8127  
(City of Lansing, MI), and CSR-8128 (City of Dearborn,  
MI *et al.*)

Dear Ms. Dortch:

Capital Community Television (CCTV) in Salem, Oregon, supports and strongly urges the Commission to grant all three of the above-captioned petitions concerning public, educational and governmental (“PEG”) access channels. The problems created by the AT&T channel platform and Comcast’s selective digitization of PEG channels are different in many respects (the failure to comply with FCC rules by passing through closed captioning is unique to the AT&T platform). Both companies, however, are using their editorial control over their system to make it more difficult or expensive for program producers to use, and for subscribers to access and watch PEG programming. Rather than repeat the legal arguments in the petitions, we file to explain PEG’s role in Salem, and why it is important to prevent operators from inhibiting access to these channels.

1. PEG Programming in Salem, Oregon

**Capital Community Television** provides three PEG channels to residents of Salem and Oregon’s capital area community. CCTV was formed by the City of Salem and Marion County in 1989 to fill a void in local television. Salem is sandwiched between the media markets of better-known Portland and Eugene. For that reason, in 1989 Salem had only three AM radio stations, a single daily newspaper and no local broadcast TV station. The only events in Salem that were covered by Portland television stations were limited to coverage of every-other-year state legislature, the eleven-day Oregon State Fair, prison issues, car wrecks and most recently, a tragic bomb explosion. Talk about being left behind!



**With an area population that exceeds 225,000, Salem is the largest state capital that lacks a traditional local broadcast affiliate television station. CCTV fills much of this void by:**

- providing C-SPAN style, gavel-to-gavel coverage of Salem-area local governments
- televising local school instructional programs and performances
- enabling local non-profit organizations to reach those they serve
- training local students and other individuals in the skills necessary to use electronic media

### **Connecting residents to their local governments**

CCTV televises approximately 145 local government meetings gavel-to-gavel each year on Public Affairs Channel 21, including near weekly Salem City Council meetings, weekly Marion County Commission meetings, twice a month Salem-Keizer School Board/Budget Committee meetings and monthly Salem Area Transit meetings. Since the early 1990s, CCTV has worked with the League of Women Voters and the Salem City Club to provide non-partisan voter information programs, including unique programs with candidates for the State Supreme Court.

### **Connecting local schools to the community**

CCTV's work with the public schools includes televising performance and athletic events, school board and budget committee meetings, Superintendent addresses, high school graduations and instructional programs requested by the schools. CCTV works with Willamette University on the same types of events, plus the Martin Luther King Day Celebration, several speaker series and special events like the Focus the Nation environmental action series.

### **Connecting the community**

CCTV's work with local community groups and individuals includes a new Non-Profit Information Center produced by CCTV with groups, programs from 17 local churches and programs from local residents, including students. Local community groups and individuals provide more than 800 hours of new programs each year, with programs in six different languages. CCTV teaches television production skills and provides a modern facility and production equipment.

Examples of programs available for viewing include, program and web link:

- Salem City Council meeting mms://159.121.94.26/salem021709.wmv
- US Senator Ron Wyden Town Hall meeting from Salem's Center 50 + (Senior Center) mms://159.121.94.26/opap022109.wmv
- Salem-Keizer Schools Budget Committee meeting addressing current income crisis: mms://159.121.94.26/skbudget022409.wmv
- Training videos made at CCTV <http://www.cctvsalem.org/tronguide/index.html>
- Gang Prevention Forum Un Foro Sobre las Pandillas mms://159.121.94.26/gangs1sp.wmv

- Family Building Blocks video brochure mms://159.121.94.26/nonprofit/npcfbb.wmv
- Red Cross Blood Drive  
mms://159.121.94.26/thisweekoncctv/Red\_cross\_blood\_drive.wmv

### **Our community needs CCTV, now more than ever**

In these recessionary times, local governments and non-profit organizations are hurting for funds at the very time their services are needed the most. Schools are struggling to meet the rising demands of No Child Left Behind as their budgets fall. As everyone struggles with growing demand for community resources and smaller budgets, local government and school board communications staffs are often the first to go, right when the need is the greatest.

Thus, CCTV and PEG programming in the Salem area provide local residents with informational, public safety, educational, cultural and local opinion programming of uniquely local interest that they cannot obtain elsewhere.

### **2. The Situation in Our Community**

Our community is served by Comcast Cable. Salem and Marion County have negotiated fairly with Comcast to create franchises that serve our community and provide Comcast a profitable business. Our local franchise is strong, a key in our productive and friendly relationship with Comcast.

Our channels are 21, 22 and 23, available to all Comcast subscribers with the same ease as broadcast channels. Cable subscribers can easily find and record programs. Those least able to afford cable television—the very people we most want to reach with local information, non-profit organization services, school information and job openings—automatically receive our three local channels.

CCTV is the only truly local television in the Salem area, and our community relies upon our PEG channels. If the channels are less accessible for technical reasons, or because one must effectively pay extra to receive the channels, the PEG channels would become a much less effective avenue for community communications, and some subscribers we now reach would not receive the information at all. While we do not face the problems caused by PEG digitization or by AT&T's Channel 99 platform yet, if the Commission were to endorse the actions of AT&T and Comcast at issue in this proceeding, history has shown that all operators would adopt those approaches and marginalize or effectively eliminate PEG access.

### **3. The Commission Should Grant the Petitions Concerning AT&T's PEG Product (CSR-8126 & CSR-8127)**

---

In virtually every conceivable way that matters to a viewer, the AT&T PEG product is markedly inferior to broadcast channels carried on AT&T's U-verse system:

Ease of finding in the menu system, ease of access, the time it takes to reach the PEG programming, the ability to switch back and forth between local PEG programming and other channels, ability to record using DVR, closed captioning capability, and secondary audio ("SAP") capability.

Accordingly, to preserve PEG as envisioned in the Cable Act, the Commission should grant the petitions in CSR-8126 and CSR-8127.

4. The Dearborn Petition and Comcast's PEG Digital Channel-Slamming (CSR-8128)

---

CCTV also supports Dearborn's petition in CSR-8128. Dearborn is clearly correct that Comcast's proposed treatment of PEG violates the Cable Act and would impermissibly remove PEG channels from the basic tier.

While Comcast in Oregon has not implemented a PEG digitization slamming practice as Comcast has done in Dearborn, unless the questions posed in the Dearborn petition are answered as Dearborn proposes, we have serious concerns that Comcast would eventually institute a nationwide-policy, overruling reasonable local Comcast managers and forcing analog subscribers to make an upgrade that they may not be able to afford, just to continue to receive PEG programming. CCTV will not willingly abandon over 7,000 households that have analog cable only, especially while broadcast channels are carried in both analog and digital format, and the FCC should not allow cable operators to compel such an abandonment.

Conclusion.

CCTV is the only truly local television outlet in the largest state capital without broadcast TV affiliates. Our PEG channels are a critical and irreplaceable resource for our community. They are the key medium of communication for our local government to communicate with residents, for local educational institutions to communicate with our residents, and for residents to communicate among themselves and to watch and participate in a dialogue about our community. In light of the decreasing amount of truly local programming available on broadcast and other commercial channels, PEG is the only full-time, genuinely local source of television programming available to our residents. We therefore strongly urge the Commission to grant all three petitions.

Respectfully submitted,

---

Alan Bushong  
CCTV Executive Director

cc: James N. Horwood  
Spiegel & McDiarmid LLP  
1333 New Hampshire Avenue, N.W.  
Suite 200  
Washington, D.C. 20036

Teresa S. Decker  
Varnum  
P.O. Box 352  
Grand Rapids, MI 49501-0352

Joseph Van Eaton  
Miller & Van Eaton P.L.L.C.  
1155 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20036